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7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 THERESA BROOKE, a married woman
11 dealing with her sole and separate claim,

12 Plaintiff,

13 vs.

14 ORANGE TREE INN LP, a California
15 limited partnership,

16 Defendant.

Case No:

VERIFIED COMPLAINT

(JURY TRIAL DEMANDED)

17 Plaintiff alleges:

18 **PARTIES**

19 1. Plaintiff Theresa Brooke is a married woman. Plaintiff is legally disabled,
20 and is therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(2),
21 the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq., the
22 California Unruh Civil Rights Act. Plaintiff ambulates with the aid of a wheelchair due
23 to the loss of a leg.

24 2. Defendant, Orange Tree Inn LP, owns and/or operates and does business
25 as the hotel Orange Tree Inn located at 1920 State Street, Santa Barbara, California
26 93101. Defendant's hotel is a public accommodation pursuant to 42 U.S.C. §
27 12181(7)(A), which offers public lodging services. On information and belief,
28 Defendant's hotel was built or renovated after March 15, 2012.

JURISDICTION

3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 42 U.S.C. § 12188.

4. Plaintiff's claims asserted herein arose in this judicial district and Defendant does substantial business in this judicial district.

5. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

6. Pursuant to *Arroyo v. Rosas*, supplemental jurisdiction is appropriate over Plaintiff's Unruh claim. On a case-specific analysis, there are no compelling reasons to decline jurisdiction.

ALLEGATIONS

7. Plaintiff alleges that Defendant's hotel's disabled parking violates Section 502.6 because the disabled parking does not have signs posted with the International Sign of Disability.

8. Disabled parking spots relate to Plaintiff's disability because she has only one leg and uses a wheelchair, and disabled parking provides for an access aisle and closer distances to an accessible entrance.

9. Plaintiff formerly worked in the hospitality industry. She is an avid traveler across California for purposes of leisure travel and to "test" whether various hotels comply with disability access laws, doing so at least once per month. Testing is encouraged by the Ninth Circuit.

10. In early June 2025, Plaintiff visited Defendant's hotel, which has a parking lot and disabled parking spaces. However, the disabled parking spaces do not have a sign posted at each of them that is 60 inches high and that identifies the space as a disabled parking spot. As a result of the violation that she personally encountered, she was deterred from entering the Hotel lobby and left the Hotel.

11. Plaintiff has certain plans of returning and staying at the Hotel in October 2025 during one of her many trips across Southern California, in the hopes that Defendant will have remediated the barrier by then thereby allowing her full and equal access. If the barrier is not removed by the time of her return, she will remain deterred.

12. It is readily achievable and inexpensive to modify the Hotel to move a disabled parking spot to the shortest possible route to the lobby entrance.

13. Without injunctive relief, Plaintiff and others will continue to be unable to independently use Defendant's hotel in violation of her rights under the ADA.

FIRST CAUSE OF ACTION

14. Plaintiff incorporates all allegations heretofore set forth.

15. Defendant has discriminated against Plaintiff and others in that it has failed to make its public lodging services fully accessible to, and independently usable by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and § 12182(b)(2)(iv) and the 2010 Standards, as described above.

16. Defendant has discriminated against Plaintiff in that it has failed to remove architectural barriers to make its lodging services fully accessible to, and independently usable by individuals who are disabled in violation of 42 U.S.C. §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the 2010 Standards would neither fundamentally alter the nature of Defendant's lodging services nor result in an undue burden to Defendant.

17. In violation of the 2010 Standards, Defendant's Hotel parking lot does not comply with Section 502.6 of the Standards, as described above.

18. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards, as described above, is readily achievable by the Defendant. *Id.* Readily achievable means that providing access is easily accomplishable without significant difficulty or expense.

1 19. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right
2 to declaratory and injunctive relief, as well as costs and attorneys' fees.

3 20. Without the requested injunctive relief, Defendant's non-compliance with
4 the ADA's requirements that its parking lot be fully accessible to, and independently
5 useable by, disabled people is likely to recur.

6 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 7 a. Declaratory Judgment that at the commencement of this action Defendant
8 was in violation of the specific requirements of Title III of the ADA
described above, and the relevant implementing regulations of the ADA;
9
10 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
11 36.504(a) which directs Defendant to take all steps necessary to bring its
parking lot into full compliance with the requirements set forth in the
12 ADA;
13 c. Payment of costs and attorney's fees;
14 d. Provision of whatever other relief the Court deems just, equitable and
15 appropriate.

16 **SECOND CAUSE OF ACTION**

17 21. Plaintiff realleges all allegations heretofore set forth.

18 22. Defendant has violated the Unruh by denying Plaintiff equal access to its
19 public accommodation on the basis of her disability as outlined above.

20 23. Unruh provides for declaratory and monetary relief to "aggrieved
21 persons" who suffer from discrimination on the basis of their disability.

22 24. Plaintiff has been damaged by the Defendant's non-compliance with
23 Unruh.

24 25. Pursuant to Cal Civ. Code §52, Plaintiff is further entitled to such other
25 relief as the Court considers appropriate, including monetary damages in an amount of
26 \$4,000.00, and not more.

27 26. Pursuant to Unruh, Plaintiff is entitled to attorney's fees and costs in an
28 amount to be proven at trial.

1 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 2 a. Declaratory Judgment that at the commencement of this action Defendant
3 was in violation of the specific requirements of Unruh; and
- 4 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
5 36.504(a) which directs Defendant to take all steps necessary to bring its
6 parking lot into full compliance with the requirements set forth in the
7 ADA;
- 8 c. Payment of costs and attorney's fees;
- 9 d. Damages in the amount of \$4,000.00; and
- 10 e. Provision of whatever other relief the Court deems just, equitable and
11 appropriate.

DEMAND FOR JURY TRIAL

12 Plaintiff hereby demands a jury trial on issues triable by a jury.

13 RESPECTFULLY SUBMITTED this 6th day of June, 2025.

14 

15 _____
16 P. Kristofer Strojnik (242728)
17 Attorneys for Plaintiff

VERIFICATION

18 I declare under penalty of perjury that the foregoing is true and correct.

19 DATED this 6th day of June, 2025.

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21 

22 _____
23 Theresa Marie Brooke
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